

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

**NOTICE OF MOTION**

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IN RE:  
    PHILLIP M. MATTICE  
                                Debtor(s).

Case No. 12-61935  
Chapter 7

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James C. Collins, Trustee,

Plaintiff,  
vs.

Ad. No. 14-80020

Phillip M. Mattice, Maxwell B. Stryker, Caroline Stryker,  
Tracy L. Mattice and Sundaes Restaurant & Dairy Freeze,  
LLC.

Defendant(s).

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**MOTION BY:** Trustee  
**JUDGE:** HON. DIANE DAVIS  
**RETURN DATE AND TIME:** January 8, 2015 at 9:30 AM  
**COURTHOUSE:** The Federal Building  
15 Henry Street  
Binghamton, NY 13902

**RELIEF REQUESTED:** An Order pursuant to Bankruptcy Rule 9019 to authorize Trustee to compromise and settle Trustee's Adversary Complaint against the above-named Defendants, Debtor Phillip M. Mattice, Maxwell B. Stryker, Caroline Stryker, Tracy L. Mattice and Sundaes Restaurant & Dairy Freeze, LLC., for \$17,500.00, paid and turned-over to Plaintiff-Trustee by Maxwell B. Stryker and Caroline Stryker, in full satisfaction of Plaintiff-Trustee claim and interest in to the sale funds received by the Defendant-Stryker from the sale of the Restaurant August 31, 2012, and with the Order further authorizing Trustee to pay Defendant-Debtor Phillip Mattice, \$1,000.00 from the sale proceeds in satisfaction of his exemption claim of \$1,000.00, to a "1/4 interest in Sundaes Restaurant & Dairy Freeze, LLC." Schedule "C" of Debtor's Petition and Schedules filed with the Court.

**IN ACCORDANCE WITH LOCAL RULE 9013-1, RESPONSES TO THIS MOTION MUST BE SUBMITTED AT LEAST SEVEN (7) DAYS PRIOR TO THE RETURN DATE THEREOF.**

DATED: December 17, 2014  
Whitney Point, NY

/s/ James C. Collins

JAMES C. COLLINS, Esq.  
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